

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

September 23, 2002

- C037223 THE PEOPLE v. ROYSTER, JR. (Not for Publication)**
The judgment is amended to reflect two convictions pursuant to subdivision (a) of section 288 and two pursuant to subdivision (b) of that statute. As modified, the convictions are affirmed. The matter is remanded for resentencing, at which time the court shall award 24 days for presentence conduct credits and then forward an amended abstract of judgment to the Department of Corrections.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Callahan, J.
- C038364 THE PEOPLE v. MILLER (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Hull, J.
 Robie, J.
- C038685 THE PEOPLE v. HAYDEN, JR. (Not for Publication)**
The judgment of conviction is affirmed. The sentence is vacated and the cause is remanded for resentencing consistent with this opinion. In the new abstract of judgment following resentencing, the trial court is directed to show convictions of five counts of second degree robbery.
 CALLAHAN, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C039384 THE PEOPLE v. PAYNE (Not for Publication)**
The judgment is modified to impose the requirement that defendant register as a sex offender pursuant to Penal Code section 290. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Davis, J.
 Kolkey, J.
- C039698 THE PEOPLE v. HAMMETT (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment, as well as the minute order dated September 4, 2001, to conform to the court's oral pronouncement of judgment, by deleting the section 1202.4 and section 1202.45 restitution fines. The court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Davis, J.
 Kolkey, J.

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Robie, J.

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The Minutes

September 23, 2002, continued

C040039 In re JACOB S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JACOB S. (Not for Publication)

The juvenile court's finding that the father is the minor's presumed father is reversed, and the matter is remanded for a new dispositional hearing. If, at the new hearing, evidence shows that a voluntary declaration of paternity in compliance with the requirements of Family Code section 7570 et seq. has been filed with the Department of Child Support Services, the juvenile court shall reinstate its finding that the father is the minor's presumed father. If the father fails to present such evidence and does not show by a preponderance of evidence that he is a presumed father within any of the other provisions of Family Code section 7611, the juvenile court shall determine whether offering the father reunification services will benefit the minor. (Welf. & Inst. Code, § 361.5, subd. (a) [services for biological father].) In making the determinations concerning the father's presumed father status or the minor's best interests, the juvenile court shall consider circumstances as they exist at the time of the new hearing.

SCOTLAND, P.J.

We concur: Raye, J.
 Sims, J.

C040322 In re NORMAN G. MORRALL on Habeas Corpus. (Certified for Publication)

The petition for a writ of habeas corpus is denied. Having served its purpose, the order to show cause previously issued is discharged with the finality of this decision.

SCOTLAND, P.J.

We concur: Blease, J.
 Hull, J.

September 24, 2002

C037984 THE PEOPLE v. RUGGLES (Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Davis, J.
 Morrison, J.

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September 24, 2002, continued

- C038452 THE PEOPLE v. SIMS (Not for Publication)**
The conviction and special finding on the allegation that defendant had a serious felony conviction for violating section 245, subdivision (c), are affirmed. The finding that defendant had a prior serious felony conviction for section 245, subdivision (a) (1), is reversed. The sentence is vacated, and the matter is remanded for resentencing consistent with this opinion. Defendant is not precluded from moving to reduce his receiving stolen property conviction to a misdemeanor. Nothing in this opinion should be construed as expressing an opinion concerning the trial court's discretion in ruling on such a motion.
ROBIE, J.
We concur: Scotland, P.J.
Hull, J.
- C038632 THE PEOPLE v. SCHIED (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Kolkey, J.
- C039082 THE PEOPLE v. DELOZIER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
Hull, J.
- C040571 THE PEOPLE v. VALDIVIA (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.
- C039145 PRONECHEN v. PRONECHEN (Not for Publication)**
The judgment is reversed and the case is remanded for division of the community property consistent with this opinion. Costs are awarded to appellant.
BLEASE, Acting P.J.
We concur: Sims, J.
Robie, J.
- C039059 In re BENJAMIN F.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. STEPHANIE F. (Not for Publication)**
The order of the juvenile court is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Callahan, J.

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Nicholson, J.

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September 26, 2002, continued

Cause called. Donald B. Mooney, argued for appellant. Gary Meredith Lepper, argued for respondents. Cause submitted.

Cause called. Richard Power, court appointed counsel, argued for appellant. David A. Lowe, Deputy Attorney General, argued for respondent. Cause submitted.

Cause called. Kimball J. P. Sargeant argued for appellants. Jeremy R. Fietz argued for respondent. Cause submitted.

A prior prison term enhancement (one -year) is stricken; as a result, enhancements total one year. Defendant's indeterminate term of 25 years to life remains the same. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

Blease, Acting P.J.

Robie, J.

Kolkey, J.

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STATE OF CALIFORNIA
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The Minutes

September 26, 2002, continued

- C038786 THE PEOPLE v. SPRUELL (Not for Publication)**
The judgment (order denying outpatient status) is affirmed.
 DAVIS, J.
We concur: Scotland, P.J.
 Kolkey, J.
- C038061 MORRISON CREEK MINING OPPOSITION v. COUNTY OF SACRAMENTO
and GRANITE CONSTRUCTION COMPANY, INC. et al. (Not for Publication)**
The judgment is affirmed. Respondents shall recover their costs on appeal.
(Rule 26 (a).)
 SIMS, Acting P.J.
We concur: Raye, J.
 Kolkey, J.
- C038576 THE PEOPLE v. HASS (Not for Publication)**
THE COURT:
 It is ordered that the opinion filed herein on August 28, 2002, be modified
as follows... There is no change in the judgment.
 Defendant's petition for rehearing is denied.
FOR THE COURT:
 BLEASE, Acting P.J.
 Morrison, J.
 Hull, J.

September 27, 2002

- C038702 THE PEOPLE v. GRISSOM (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Sims, J.
- C033600 THE PEOPLE v. GRAYSON (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Nicholson, J.

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The Minutes

September 27, 2002, continued

- C030059 HILLENBRAND, INC., et al. v. INSURANCE COMPANY OF NORTH AMERICA et al. (Certified for Publication)**
The judgment in favor of INA is reversed. The judgment in favor of Hillenbrand but reducing the award of punitive damages is affirmed. Hillenbrand is awarded costs on appeal. [CERTIFIED FOR PUBLICATION.]
RAYE, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C039510 BAXTER v. BAXTER (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Blease, J.
 Hull, J.
- C040512 In re JENNIFER H.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ELBA E. (Not for Publication)**
The orders of the juvenile court are affirmed.
 BLEASE, Acting P.J.
We concur: Hull, J.
 Robie, J.